

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE:

B-184676

DATE:

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MATTER OF:

Dale R. Moore-Relocation Expenses-time limitation
on movement of household goods and personal effects.

DIGEST:

Employee separated in Alaska because of disability may not be reimbursed for expenses incurred in transporting his household goods and personal effects to the continental United States after the expiration of the 2-year period of limitation, as prescribed by section 1.5a(2) of OMB Circular No. A-56, and section 2-1.5a (2) of FPMR 101-7.

This matter is before us based on a request dated August 5, 1975, for an advance decision from W. I. Cooper, a certifying officer with the Small Business Administration (SBA) as to the propriety of reimbursing Mr. Dale R. Moore for the transportation of household goods and personal effects from Anchorage, Alaska to Unatilla, Oregon.

There are no material disputes of fact involved in this case. Mr. Moore was employed as a loan specialist at the Anchorage, Alaska office of the Small Business Administration from May 1967 to July 1971, at which time he received a disability retirement due to a degenerative condition of his hip. The Seattle Regional Office of the SBA issued a travel authorization dated June 1, 1971, for the return of Mr. Moore, his wife, and three dependent children upon completion of his tour of duty in Alaska, to his place of official residence at the time he signed his employment, which was Unatilla, Oregon. Mr. Moore and his dependents did return to the United States at Government expense during the summer of 1971. The travel order stated that expenses for transportation of household goods and personal effects will be authorized at a later date.

Mr. Moore was treated for joint disease and received a hip replacement in the continental United States, prior to returning to Alaska with the objective of securing employment. The file contains a letter dated June 5, 1975, in which Dr. Robert I. Fraser states that he has advised Mr. Moore to leave Alaska in order to benefit from a warmer climate. In view of the doctor's advice, Mr. Moore has now requested the SBA to authorize payment for the

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transportation of his household goods and personal effects to the continental United States.

Under the provisions of 5 U.S.C. § 5724(d) which incorporates by reference 5 U.S.C. § 5722(a), the President may prescribe regulations governing the payment of travel and transportation expenses of employees and their immediate families "*** from the place of actual residence at the time of appointment to the place of employment outside the continental United States, and *** these expenses on the return of an employee from his post of duty outside the continental United States to the place of his actual residence at the time of assignment to duty outside the United States."

Section 2-1.5a (2) of the Federal Travel Regulations (FPMR 101-7) provides in pertinent part:

"*** All travel, including that for the immediate family, and transportation, including that for household goods allowed under these regulations, shall be accomplished as soon as possible. The maximum time for beginning allowable travel and transportation shall not exceed 2 years from the effective date of the employee's transfer or appointment ***"

Similar provisions are contained in section 1.3d, OMB Circular No. A-56.

These regulations provide that a condition of eligibility for reimbursement of relocation expenses is that all travel and transportation must commence during the period not exceeding 2 years from the date of transfer or termination of tour of duty. The governing regulations have throughout the period in question, contained a similar condition. B-173783, August 28, 1973.

The 2-year period of limitation cited above is a valid regulation issued pursuant to statutory authority which has the force and effect of law and may not be waived or modified by our Office. See 49 Comp. Gen. 145 (1969).

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Accordingly, Mr. Moore would not be entitled to have his household goods transported back to the continental United States at Government expense.

~~Respectfully,~~

~~Respectfully,~~

Comptroller General
of the United States